
SENATE BILL 5562

State of Washington 60th Legislature 2007 Regular Session

By Senators Oemig, Kohl-Welles, Fairley and Brown

Read first time 01/24/2007. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to procedures for the circumstance in which two or
2 more candidates file for office and have the same or similar names;
3 reenacting and amending RCW 29A.04.611; and adding a new section to
4 chapter 29A.24 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 29A.24 RCW
7 to read as follows:

8 When, in the judgment of the filing officer, two or more candidates
9 have filed for the same office whose names are so similar as to be
10 confusing to voters, he or she shall differentiate all candidates for
11 that office, including the candidates that do not have the same or
12 similar names, by the inclusion of additional information in connection
13 with each name that will appear on the ballot. Such differentiation
14 may be made by the inclusion of each candidate's occupation, status as
15 incumbent or challenger, or by any other means which, in the judgment
16 of the filing officer, fairly and impartially distinguishes the
17 candidates. The filing officer may solicit suggestions and input from
18 the candidates to resolve the situation.

1 **Sec. 2.** RCW 29A.04.611 and 2006 c 207 s 1 and 2006 c 206 s 2 are
2 each reenacted and amended to read as follows:

3 The secretary of state as chief election officer shall make
4 reasonable rules in accordance with chapter 34.05 RCW not inconsistent
5 with the federal and state election laws to effectuate any provision of
6 this title and to facilitate the execution of its provisions in an
7 orderly, timely, and uniform manner relating to any federal, state,
8 county, city, town, and district elections. To that end the secretary
9 shall assist local election officers by devising uniform forms and
10 procedures.

11 In addition to the rule-making authority granted otherwise by this
12 section, the secretary of state shall make rules governing the
13 following provisions:

14 (1) The maintenance of voter registration records;

15 (2) The preparation, maintenance, distribution, review, and filing
16 of precinct maps;

17 (3) Standards for the design, layout, and production of ballots;

18 (4) The examination and testing of voting systems for
19 certification;

20 (5) The source and scope of independent evaluations of voting
21 systems that may be relied upon in certifying voting systems for use in
22 this state;

23 (6) Standards and procedures for the acceptance testing of voting
24 systems by counties;

25 (7) Standards and procedures for testing the programming of vote
26 tallying software for specific primaries and elections;

27 (8) Standards and procedures for the preparation and use of each
28 type of certified voting system including procedures for the operation
29 of counting centers where vote tallying systems are used;

30 (9) Standards and procedures to ensure the accurate tabulation and
31 canvassing of ballots;

32 (10) Consistency among the counties of the state in the preparation
33 of ballots, the operation of vote tallying systems, and the canvassing
34 of primaries and elections;

35 (11) Procedures to ensure the secrecy of a voter's ballot when a
36 small number of ballots are counted at the polls or at a counting
37 center;

- 1 (12) The use of substitute devices or means of voting when a voting
2 device at the polling place is found to be defective, the counting of
3 votes cast on the defective device, the counting of votes cast on the
4 substitute device, and the documentation that must be submitted to the
5 county auditor regarding such circumstances;
- 6 (13) Procedures for the transportation of sealed containers of
7 voted ballots or sealed voting devices;
- 8 (14) The acceptance and filing of documents via electronic
9 facsimile;
- 10 (15) Voter registration applications and records;
- 11 (16) The use of voter registration information in the conduct of
12 elections;
- 13 (17) The coordination, delivery, and processing of voter
14 registration records accepted by driver licensing agents or the
15 department of licensing;
- 16 (18) The coordination, delivery, and processing of voter
17 registration records accepted by agencies designated by the governor to
18 provide voter registration services;
- 19 (19) Procedures to receive and distribute voter registration
20 applications by mail;
- 21 (20) Procedures for a voter to change his or her voter registration
22 address within a county by telephone;
- 23 (21) Procedures for a voter to change the name under which he or
24 she is registered to vote;
- 25 (22) Procedures for canceling dual voter registration records and
26 for maintaining records of persons whose voter registrations have been
27 canceled;
- 28 (23) Procedures for the electronic transfer of voter registration
29 records between county auditors and the office of the secretary of
30 state;
- 31 (24) Procedures and forms for declarations of candidacy;
- 32 (25) Procedures and requirements for the acceptance and filing of
33 declarations of candidacy by electronic means;
- 34 ~~(26) ((Procedures for the circumstance in which two or more
35 candidates have a name similar in sound or spelling so as to cause
36 confusion for the voter;~~
- 37 ~~(27))~~) Filing for office;
- 38 ~~((28))~~) (27) The order of positions and offices on a ballot;

1 ~~((+29+))~~ (28) Sample ballots;

2 ~~((+30+))~~ (29) Independent evaluations of voting systems;

3 ~~((+31+))~~ (30) The testing, approval, and certification of voting
4 systems;

5 ~~((+32+))~~ (31) The testing of vote tallying software programming;

6 ~~((+33+))~~ (32) Standards and procedures to prevent fraud and to
7 facilitate the accurate processing and canvassing of absentee ballots
8 and mail ballots, including standards for the approval and
9 implementation of hardware and software for automated signature
10 verification systems;

11 ~~((+34+))~~ (33) Standards and procedures to guarantee the secrecy of
12 absentee ballots and mail ballots;

13 ~~((+35+))~~ (34) Uniformity among the counties of the state in the
14 conduct of absentee voting and mail ballot elections;

15 ~~((+36+))~~ (35) Standards and procedures to accommodate out-of-state
16 voters, overseas voters, and service voters;

17 ~~((+37+))~~ (36) The tabulation of paper ballots before the close of
18 the polls;

19 ~~((+38+))~~ (37) The accessibility of polling places and registration
20 facilities that are accessible to elderly and disabled persons;

21 ~~((+39+))~~ (38) The aggregation of precinct results if reporting the
22 results of a single precinct could jeopardize the secrecy of a person's
23 ballot;

24 ~~((+40+))~~ (39) Procedures for conducting a statutory recount;

25 ~~((+41+))~~ (40) Procedures for filling vacancies in congressional
26 offices if the general statutory time requirements for availability of
27 absentee ballots, certification, canvassing, and related procedures
28 cannot be met;

29 ~~((+42+))~~ (41) Procedures for the statistical sampling of signatures
30 for purposes of verifying and canvassing signatures on initiative,
31 referendum, and recall election petitions;

32 ~~((+43+))~~ (42) Standards and deadlines for submitting material to
33 the office of the secretary of state for the voters' pamphlet;

34 ~~((+44+))~~ (43) Deadlines for the filing of ballot titles for
35 referendum bills and constitutional amendments if none have been
36 provided by the legislature;

37 ~~((+45+))~~ (44) Procedures for the publication of a state voters'
38 pamphlet;

1 ~~((46))~~ (45) Procedures for conducting special elections regarding
2 nuclear waste sites if the general statutory time requirements for
3 availability of absentee ballots, certification, canvassing, and
4 related procedures cannot be met;
5 ~~((47))~~ (46) Procedures for conducting partisan primary elections;
6 ~~((48))~~ (47) Standards and procedures for the proper conduct of
7 voting during the early voting period to provide accessibility for the
8 blind or visually impaired;
9 ~~((49))~~ (48) Standards for voting technology and systems used by
10 the state or any political subdivision to be accessible for individuals
11 with disabilities, including nonvisual accessibility for the blind and
12 visually impaired, in a manner that provides the same opportunity for
13 access and participation, including privacy and independence, as other
14 voters;
15 ~~((50))~~ (49) All data formats for transferring voter registration
16 data on electronic or machine-readable media for the purpose of
17 administering the statewide voter registration list required by the
18 Help America Vote Act (P.L. 107-252);
19 ~~((51))~~ (50) Defining the interaction of electronic voter
20 registration election management systems employed by each county
21 auditor to maintain a local copy of each county's portion of the
22 official state list of registered voters;
23 ~~((52))~~ (51) Provisions and procedures to implement the state-
24 based administrative complaint procedure as required by the Help
25 America Vote Act (P.L. 107-252);
26 ~~((53))~~ (52) Facilitating the payment of local government grants
27 to local government election officers or vendors; and
28 ~~((54))~~ (53) Standards for the verification of signatures on
29 absentee, mail, and provisional ballot envelopes.

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